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## **COUNCIL OF THE COUNTY OF MAUI**

### **A G E N D A**

Regular Meeting of August 4, 2023  
9:00 a.m.

Meeting Site:

Online via BlueJeans link <https://maui.bluejeans.com/295235670>

In-Person Testimony and Viewing:

Council Chamber, Kalana O Maui Building, 8<sup>th</sup> Floor,  
200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast:

Akakū – Maui Community Media, Channel 53

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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PURSUANT TO SECTION 92-3.7, HAWAII REVISED STATUTES, THE MEETING WILL BE CONDUCTED AS A REMOTE MEETING BY INTERACTIVE CONFERENCE TECHNOLOGY.

## OFFICIAL TESTIMONY LOCATION

Members of the public may view the meeting and provide testimony in person at the Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i.

If audiovisual connection with the Council Chamber is lost, the Council will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9:00 a.m., using the same official location for in-person testimony and viewing, unless the Council announces a different date, time, and location.

## TESTIMONY PROCEDURES

Individuals may provide oral testimony by phone or video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link: <https://maui.bluejeans.com/295235670>.

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Each testifier shall be allowed to speak for up to three minutes on each item. The time limits for testimony may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify. If the connection between any testifier and the video conference is lost, the meeting will still continue.

If a testifier wishes to testify anonymously, please indicate that request in the Bluejeans chat or with staff at the sign-up desk outside the Council Chamber. Anonymous testifiers will be assigned a number.

## DECORUM

Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of the Council meeting may, at the discretion of the presiding officer or a majority of present Councilmembers, be removed from the Council Chamber or, if participating remotely, muted or dropped from the meeting. Disruptive behavior includes, but is not limited to: heckling, shouting, use of profanity, and threatening remarks made to any member of the Council, staff, or general public.

## WRITTEN TESTIMONY

Written testimony may be submitted by e-mail to [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us), by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted.

Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk ((808) 270-7748) prior to the meeting.

## COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES

East Maui: Hāna Cultural Center & Museum, 4974 Uakea Road, Hāna, (808) 248-7513

South Maui: MEDB Building, 1305 North Holopono St., Ste. 9, Kihei, (808) 793-0012

Moloka'i: Moloka'i District Complex, 100 Ainoa Street, Kaunakakai, (808) 553-3888

Lāna'i: 814 Fraser Avenue, Lāna'i City, (808) 565-7094

Makawao-Ha'ikū-Pā'ia: Heritage Hall, 401 Baldwin Ave., Ste. 102, Pā'ia, (808) 793-0099

West Maui: Old Lahaina Center, 845 Wainee Street, Ste. 205, Lahaina, (808) 856-0123

Subject to change and staffing availability without notice. Visit [mauicounty.us](http://mauicounty.us) for more information.

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location.

**A. ROLL CALL**

**B. OPENING REMARKS:**

**COUNCILMEMBER NOHELANI U'U-HODGINS**

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

[Reso 23-190](#) "CONGRATULATING KEALA BLUE MONTGOMERY OF LĀNA'I HIGH & ELEMENTARY SCHOOL FOR HER INDUCTION INTO THE HAWAI'I HIGH SCHOOL ATHLETIC ASSOCIATION HALL OF HONOR"

**F. SET THE CONSENT CALENDAR****G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****H. MINUTES:**

NONE.

**I. ACTION ON THE CONSENT CALENDAR****J. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

[CC 23-30](#) COUNCIL VICE-CHAIR SUGIMURA, relating to Councilmembers' report on the National Association of Counties 2023 Annual Conference on July 21 through July 24, 2023.

[CC 23-31](#) COUNCILMEMBER PALTIN, relating to Councilmembers' report on the Hawai'i State Association of Counties Executive Committee meetings on June 26, 2023, and July 31, 2023.

[CC 23-32](#) COUNCIL CHAIR LEE, transmitting a proposed amendment to Bill 27 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.36.100, MAUI COUNTY CODE, RELATING TO THE REIMBURSEMENT OF COUNTY GRANTEES".

**2. GENERAL COMMUNICATIONS:**

NONE.

**K. COMMITTEE REPORTS:****Government Relations, Ethics, and Transparency Committee****CR 23-67**

Recommending **ADOPTION** of Resolution 23-149, authorizing settlement of Spirit of Aloha, et. al v. County of Maui, et. al. Civil 1:14-CV-00535-SOM-WRP.

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

**CR 23-68**

Recommending **ADOPTION** of Resolution 23-150, authorizing settlement of Daneford Wright v. County of Maui, Disability Compensation Division Case 7-16-01796, Labor and Industrial Relations Appeals Board AB 2022-078(MXT).

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

**L. RESOLUTIONS:****Reso 23-186**

"AUTHORIZING A GRANT OF LEASE OF COUNTY REAL PROPERTY TO KE KULA 'O PI'ILANI"

*The purpose of this resolution is to authorize a 50-year lease of County real property located in Iao Valley for school purposes.*

**Reso 23-187**

"AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KOBAYASHI SUGITA & GODA, LLP, IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL., CIVIL NO. 2CCV-21-0000048"

**Reso 23-188**

"APPROVING THE APPOINTMENT OF SAMANTHA G. TANCK AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"

**Reso 23-189**

"URGING THE STATE OF HAWAII TO CREATE AND SUPPORT A TASK FORCE TO ADDRESS THE URGENT PROBLEM OF MISSING PERSONS IN HAWAII"

[Reso 23-191](#) "URGING THE STATE DEPARTMENT OF HEALTH TO HOLD A PUBLIC HEARING ON THE COUNTY'S APPLICATION FOR A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR THE LĀHAINĀ WASTEWATER RECLAMATION FACILITY"

[Reso 23-192](#) "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL RELATING TO A CONDITIONAL CHANGE IN ZONING FOR APPROXIMATELY 14,467 SQUARE FEET LOCATED AT LĀHAINĀ, MAUI, HAWAII, TAX MAP KEY (4) 5-0-130:120"

**M. ORDINANCES:**

[Bill 27 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 3.36.100, MAUI COUNTY CODE, RELATING TO THE REIMBURSEMENT OF COUNTY GRANTEES"

*The purpose of this bill is to amend Section 3.36.100, Maui County Code, to authorize the County to reimburse grantees for expenses that pre-date the contract's execution date, if the funds are expended in the same fiscal year that the contract is encumbered.*

[Bill 69 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.44.015 AND 3.88.070, MAUI COUNTY CODE, RELATING TO ACCEPTANCE OF CONSERVATION EASEMENTS"

*The purpose of this bill is to amend Sections 3.44.015 and 3.88.070, Maui County Code, to allow the Director of Finance to acquire conservation easements without further council approval.*

[Bill 70 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3545, BILL NO. 29 (2008) TO TRANSFER A CONDITIONAL PERMIT TO JOSHUA RAMU TREMBLAY FOR THE OLD WAILUKU INN TRANSIENT VACATION RENTAL SITUATED AT 2199 KAHŌ'OKELE STREET, WAILUKU, HAWAII"

[Bill 71 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL OPERATING APPROPRIATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS"

*The purpose of this bill is to amend Ordinance No. 5528, Bill No. 22, CD1, FD2 (2023), "Fiscal Year 2024 Budget," as it relates to Section 3.A.2.a., Office of the County Council, Council Services Program, by decreasing the appropriation for Category B - Operations & Equipment and Total by \$60,000.*

[Bill 72 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS"

*The purpose of this bill is to amend Ordinance No. 5528, Bill No. 22, CD1, FD2 (2023), "Fiscal Year 2024 Budget," Appendix C - Capital Improvement Projects, by adding Office of the County Council, Wailuku-Kahului Community Plan Area, project and project description for the Office of Council Services Office Renovations in the amount of \$60,000.*

[Bill 73 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION"

[Bill 74 \(2023\)](#) "A BILL FOR AN ORDINANCE RELATING TO DEED-RESTRICTED PERIODS FOR RESIDENTIAL WORKFORCE HOUSING UNITS"

*The purpose of this bill is to restart the deed-restriction period when a residential workforce housing unit is sold during the deed-restricted period.*

[Bill 75 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.08.031, MAUI COUNTY CODE, RELATING TO CULTURAL RESOURCE PROTECTION"

*The purpose of this bill is to exclude property in the Special Management Area or property that may contain burials or historic properties from certain grading and grubbing exclusions.*

[Bill 76 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM, MAUI COUNTY WETLANDS"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget to update the names of the listed organizations and projects and to add an additional recipient.*

[Bill 77 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF PLANNING, GRANT TO UNIVERSITY OF HAWAII MAUI COLLEGE SEA GRANT"

*The purpose of this bill is to amend the Fiscal Year 2024 Budget by decreasing the appropriation under Department of Planning, General - Category B by \$12,695 and increasing the appropriation for the Grant to University of Hawaii Maui College Sea Grant by the same amount.*

## **ORDINANCES - SECOND AND FINAL READING:**

[Bill 13, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE RENAMING PUAMANA BEACH PARK IN LĀHAINĀ TO PUAMANA CULTURAL PRESERVE AT WAIANU'UKOLE"

**N. UNFINISHED BUSINESS:**

[Bill 67 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS"

*The purpose of this bill is to amend Ordinance No. 5528, Bill No. 22, CD1, FD2 (2023), "Fiscal Year 2024 Budget," Appendix C - Capital Improvement Projects, by adding Office of the County Council, Wailuku-Kahului Community Plan Area, project and project description for the Office of Council Services Office Renovations in the amount of \$200,000.*

[Bill 68 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE COUNTY COUNCIL, COUNCIL SERVICES PROGRAM; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL OPERATING APPROPRIATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS"

*The purpose of this bill is to amend Ordinance No. 5528, Bill No. 22, CD1, FD2 (2023), "Fiscal Year 2024 Budget," as it relates to Section 3.A.2.a., Office of the County Council, Council Services Program, by decreasing the appropriation for Category B - Operations & Equipment and Total by \$200,000.*



**NOTE: "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, STE. 708, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.**

**ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.**

**THIS MEETING IS BEING CONDUCTED IN ACCORDANCE WITH SECTION 92-3.7, HAWAII REVISED STATUTES. NOTHING SAID IN THE MEETING OR INCLUDED IN THE AGENDA IS INTENDED TO CREATE OBLIGATIONS IN EXCESS OF THOSE REQUIRED UNDER SECTION 92-3.7, HRS.**

**IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF THE BLUEJEANS CONNECTION IS PREMATURELY TERMINATED, FOR WHATEVER REASON, PLEASE LOG BACK INTO THE SAME LINK. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.**

**IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.**

**ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR COUNTY.CLERK@MAUICOUNTY.US.**